

AFFIDAVIT OF PERSONAL SERVICE

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X

JOHN SCHWARTEN,

Plaintiff,
-against-

Case No. 07 CV 11170

EXECUTIVE SOUNDING BOARD ASSOCIATES, INC.

Defendant.

-----X

Daniel Braaten, being duly sworn, deposes and says:

1. I am not a party to the action.

2. I am over 18 years of age.

3. I reside in Nassau County, New York.

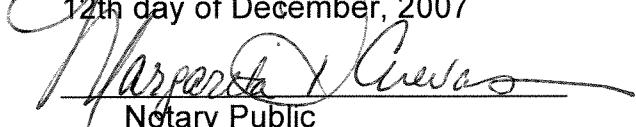
4. On December 11, 2007, at 4:42 p.m., I served the foregoing Summons and Complaint and Rule 7.1 Statement upon Executive Sound Board Associates, Inc. by delivering a true copy thereof to them personally.

5. The person thus served is Christine Agugliaro, who has brown hair, hazel eyes, weighs approximately 130 pounds, is about 5' 1" tall, and is approximately 35 years of age,



Daniel Braaten

Sworn to before me this
12th day of December, 2007


Notary Public

MARGARITA DEJESUS CUEVAS
Notary Public, State Of New York
No. 01DE6061968
Qualified In Nassau County
Commission Expires July 23, 2009

JUDGE KOEHLER United States District Court

SOUTHERN DISTRICT OF NEW YORK

JOHN SCHWARTEN,

Plaintiff,

v.

SUMMONS IN A CIVIL CASE

CASE NUMBER:

07 CV 11170

EXECUTIVE SOUNDING BOARD ASSOCIATES,
INC.,

Defendant.

TO: (Name and address of defendant)

Executive Sounding Board Associates, Inc.
1350 Broadway, Suite 708
New York, NY 10018

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Linda E. Rodd, Esq.
Meyer, Suozzi, English & Klein, P.C.
1350 Broadway, Suite 501
New York, NY 10018

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

(BY) DEPUTY CLERK

DEC 11 2007

DATE

AO 440 (Rev. 10/93) Summons in a Civil Action -SDNY WEB 4/99

RETURN OF SERVICE

| | |
|--|-------|
| Service of the Summons and Complaint was made by me ¹ | DATE |
| NAME OF SERVER (PRINT) | TITLE |

Check one box below to indicate appropriate method of service

- Served personally upon the defendant. Place where served: _____
- Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____
- Returned unexecuted: _____
- Other (specify): _____

STATEMENT OF SERVICE FEES

| TRAVEL | SERVICES | TOTAL |
|--------|----------|-------|
|--------|----------|-------|

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
Date _____

Signature of Server _____

Address of Server _____

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.